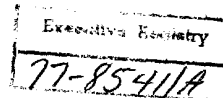


Washington, D.C. 20505



15 AUG 1977

7
Congress
20 Aug 77

Honorable Daniel P. Moynihan
United States Senate
Washington, D.C. 20510

Dear Senator Moynihan:

In the absence of the Director, I wish to thank you for forwarding a copy of your bill, S. 1950, which deals with interception of U.S. communications by foreigners operating within the United States. We are formulating our position with respect to this bill, and will send you our report as soon as it has been appropriately coordinated within the Executive Branch.

Again, thank you for your consideration.

Sincerely,

/s/John F. Blake

John F. Blake
Acting Director

Distribution:

Orig - Addressee

1 - DCI

1 - A/DDCI

✓ 1 - ER

1 - OGC

1 - OLC Subject

1 - OLC Chrono

OLC:JEC:sm (2 Aug 77)

Retyped 11 Aug 77

Congress

	UNCLASSIFIED		CONFIDENTIAL		SECRET
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EXECUTIVE SECRETARIAT

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	D/DCI/IC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/NI				
9	GC		X		
10	LC	X			
11	IG				
12	Compt				
13	D/Pers				
14	D/S				
15	DTR				
16	A/DCI/PA				
17	AO/DCI				
18	C/IPS				
19	DCI/SS				
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SUSPENSE		3 August 1977			
		Date			

Remarks:

Please develop DCI response, *perhaps*
an interim is warranted.

STAT

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DANIEL P. MOYNIHAN
NEW YORK

177-8541

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~~United States Senate~~

WASHINGTON, D.C. 20510

July 28, 1977

Dear Stan:

Here is a copy of a bill
I introduced yesterday dealing
with electronic surveillance
by foreign governments, and of
the statement I made about the
bill yesterday morning. I would
very much welcome any comments
you may have.

Best,

PM

Daniel P. Moynihan

Admiral Stansfield Turner
Director
Central Intelligence Agency
Washington, D. C. 20505

(EXECUTIVE REGISTRY FILE

Congress

95th CONGRESS

1st SESSION

S.

(Note.—Fill in all blank lines except those provided for the date, number, and reference of bill.)

IN THE SENATE OF THE UNITED STATES

Mr. Moynihan

introduced the following bill; which was read twice and referred to the Committee on

A BILL

To protect communications among Americans from interception by foreign governments, and for other purposes.

(Insert title of bill here)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. That this Act may be cited as the "Foreign Surveillance Prevention Act of 1977."

Section 2. The Congress finds that:

(1) the widespread use of electronic surveillance and the interception of telecommunications by foreign governments pose a serious threat both to the national security of the United States and to the rights of privacy and association guaranteed to Americans by the Constitution;

(2) that such electronic intelligence activities by foreign governments have been, and are being, carried on under the guise of normal diplomatic relations with the United States; and

(3) that the President of the United States, constitutionally charged with the conduct of the nation's foreign relations and with the protection of the Constitution of the United States, has the primary responsibility to protect the rights and interests of American citizens as they may be jeopardized by the electronic

Page Two

intelligence activities of foreign powers.

Section 3. Whenever the President of the United States has reason, based upon information in his possession, to believe that in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, any individual on whom diplomatic immunity has been conferred by the United States, is willfully engaging in electronic surveillance on behalf of a foreign power, the President shall:

a. so inform the Chairman and Ranking Minority member, or, in his discretion, the members of, the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Select Committee on Intelligence of the Senate, and the Select Committee on Intelligence of the House of Representatives;

b. so inform those persons, if any, reasonably believed to be particular targets of such surveillance in order that they may take such precautions as they consider advisable, unless he shall determine that to do so would seriously compromise sources or methods of intelligence gathering by the United States;

c. so inform the Ambassador or Chargé d'Affaires or other representative of such foreign power, and shall demand that such foreign power immediately cease such surveillance, unless he shall determine that to do so would seriously compromise sources or methods of intelligence gathering by the United States; and,

d. thirty days after such demand is made, if the electronic surveillance has not ceased, declare such individual to be persona non grata in the United States, and shall demand that he leave the United States immediately, unless the President shall determine that to do so would cause serious damage to the national security of the United States.

Section 4. Definitions.

As used in this Act --

Page Three

(a) "Electronic surveillance" means the interception of wire or radio communications through the use of any electronic, mechanical, or other device.

(b) "wire or radio communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, radio, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications.

(c) "person" means any individual, partnership, association, joint stock company, trust, or corporation.

(d) "electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire or radio communication other than any telephone or telegraph instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business.

(e) "Foreign power" means --

(i) a foreign government or any component thereof, whether or not recognized by the United States;

(ii) a faction of a foreign nation or nations, not substantially composed of United States persons;

(iii) an entity, which is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(iv) a foreign-based political organization, not substantially composed of United States persons; or

(v) an entity which is directed and controlled by a foreign government or governments.

(f) "Common carrier" shall have the same meaning which is given the term by section 153(h) of Title 47 of the United States Code.